

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RAYMOND J. WALLER,

Plaintiff,

V.

TROY UNIVERSITY,

Defendant.

CASE NO. 2:24-CV-153-ECM-KFP

ORDER

Upon consideration of Plaintiff's filing of the Information of the Pro Se Party Form (Doc. 36) and the Declaration of the Pro Se Party Form (Doc. 35) it is ORDERED as follows:

1. Plaintiff's Motion for Leave to File an Amended Complaint (Doc. 32) is GRANTED and Plaintiff must file an amended complaint by **March 10, 2025**. The amended complaint must comply the Federal Rules of Civil Procedure. The amended complaint will supersede the original Complaint and all construed amendments to the Complaint, and it will provide the parties and the Court with one pleading from which to move forward.

2. Rules 8(a)(2) and 8(d)(1) of the Federal Rules of Civil Procedure require that a complaint include a “short and plain statement of the claim” with “simple, concise, and direct” allegations. Rule 10 of the Federal Rules of Civil Procedure further provides that, “[i]f doing so would promote clarity, each claim founded on a separate transaction or occurrence . . . must be stated in a separate count[.]” These rules work together and “require

the pleader to present [her] claims discretely and succinctly, so that [her] adversary can discern what [she] is claiming and frame a responsive pleading,” and so “the court can determine which facts support which claims and whether the plaintiff has stated any claims upon which relief can be granted[.]” *Fikes v. City of Daphne*, 79 F.3d 1079, 1082 (11th Cir. 1996) (internal quotations and citation omitted). **If Plaintiff’s amended complaint fails to comply with the Federal Rules of Civil Procedure and this Order, the Magistrate Judge will recommend that the case be dismissed without prejudice.**

3. To aid Plaintiff in amending her Complaint, Plaintiff is referred to the Court’s Pro Se Assistance Program (“PSAP”). PSAP provides assistance from volunteer attorneys in preparing an amended complaint for an unrepresented plaintiff. The volunteer attorney will contact Plaintiff. The volunteer attorney does not represent Plaintiff but will assist with an amended complaint.

DONE this 27th day of January, 2025.

/s/ Kelly Fitzgerald Pate
KELLY FITZGERALD PATE
UNITED STATES MAGISTRATE JUDGE